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**DEC 29 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Takeshi Hirose :  
Application No. 10/791,273 : DECISION REFUSING STATUS  
Filed: March 3, 2004 : UNDER 37 CFR 1.47(b)  
For: POWER SOURCE CONTROL DEVICE :  
FOR ELECTRONIC DEVICE :

This is in response to the petition under 37 CFR 1.47(b), filed November 24, 2004.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on March 3, 2004 without an executed oath or declaration and naming Takeshi Hirose as the sole inventor.

Accordingly, on May 25, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a filing fee, and a surcharge for their late filing.

In response, on November 24, 2004, the instant petition and a four (4) month extension of time were filed.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;

- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (5), as set forth above.

Rule 47 applicant failed to show or provide proof that Fujitsu Limited (Fujitsu) has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)).

The "Request for Application Patent" (Translated) states:

"Deed of Assignment

To FUJITSU LIMITED

This is to acknowledge that the inventor assigned all rights of the above invention for patent in both Japan and foreign countries according to the company rules of FUJITSU LIMITED."

However, a copy (translated) of the document that makes the above assignment has not been submitted. A copy should be submitted in any request for reconsideration that Rule 47 Applicant may wish to file.

Please note, acceptable proof may also include a copy of the employment agreement between the non-signing inventor and the Fujitsu, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to Fujitsu, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to Fujitsu.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  Box 1450  
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By FAX: (703) 308-6916  
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Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at  
(571) 272-3228.



Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office